

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE	)	
OF TECHNOLOGY,	)	
	)	
Plaintiff,	)	CIVIL ACTION
v.	)	NO. 05-10990-DPW
	)	
HARMAN INTERNATIONAL	)	
INDUSTRIES, INC.,	)	
	)	
Defendant.	)	

**ORDER ON PLAINTIFF'S MOTION TO COMPEL  
AND ON DEFENDANT'S MOTION FOR PROTECTIVE ORDER**

This matter is before the court on "MIT's Motion to Compel Production of Documents from Harman's Technical Expert Robert L. French Pursuant to Subpoena" (Docket No. 111) and on "Defendant Harman International Industries, Incorporated's Motion for Protective Order" (Docket No. 115). After consideration of the parties' submissions and oral arguments, the court hereby ORDERS as follows:

1. MIT's motion to compel is ALLOWED to the extent that the scope of the request was limited in court. Mr. French shall keep track of his time in responding to MIT's request. This court will defer ruling on the issue of which party shall pay the expert's costs of production pending the parties' effort to resolve that matter.

2. The court shall take under advisement Harman's motion for a protective order. The court does find that the subpoenas at issue were served in a timely manner. While the motion remains under advisement, the parties shall comply with the following:

- a. By **December 8, 2006**, Harman will have worked with MIT to identify responsive documents within its expert's possession, custody and control, and will have determined the nature of any objections to the production of any such documents by its expert.
- b. By **December 15, 2006**, the parties shall complete a plan to resolve, to the extent possible, any objections to the production of responsive documents either by Harman's expert witness or third parties.
- c. Any communications with third parties regarding those parties' responses to the subpoenas shall be conducted by the parties jointly.
- d. By **December 19, 2006**, the parties shall file a joint status report regarding their efforts to complete the discovery that MIT is seeking pursuant to the subpoenas.
- e. MIT shall not move to compel production under the subpoenas in any jurisdiction other than this one without leave of this court.

3. The deadline for filing any motions for summary judgment is extended to **December 29, 2006**. Any oppositions to motions for summary judgment shall be filed by **February 2, 2007**.

4. Any concise statement of material facts that is filed pursuant to Local Rule 56.1 in opposition to a motion for summary judgment shall include numbered paragraphs

admitting or denying, paragraph by paragraph, the facts contained in the moving party's concise statement of material facts.

          / s / Judith Gail Dein            
Judith Gail Dein  
United States Magistrate Judge

DATED: November 29, 2006